

Francis, moq

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FELIPE GARCIA, individually and on behalf  
of all other persons similarly situated,

No. 13-cv-1904 (RA) (JCF)

Plaintiff,

**ORDER TO SHOW CAUSE  
TO WITHDRAW**

-against-

ATLANTICO BAKERY CORP., and JERRY  
LIBERATOS, jointly and severally,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 9/21/17  
DATE FILED: 9/21/17

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UPON the reading and filing of the annexed Declaration of John V. Baranello, Esq. dated September 19, 2017, the supporting Memorandum of Law, and all the papers and proceedings heretofore had herein,

LET Plaintiff Felipe Garcia (“Plaintiff” and/or “Garcia”), Defendant Atlantico Bakery Corp. (“Atlantico”) and/or Defendant Jerry Liberatos (“Liberatos”) (“Atlantico” and “Liberatos” shall hereinafter be referred to as “Defendants”), or their attorneys, show cause in this Court, before the Honorable James C. Francis IV, Courtroom 18D, at the United States District Court located at 500 Pearl Street on the 29<sup>th</sup> day of September, 2017 at 9:30 in the forenoon, or as soon as counsel can be heard, why an Order pursuant to Local Rule 1.4 should not be granted to Moses & Singer LLP, counsel of record for Defendants, for leave to withdraw as counsel for Defendants on the grounds that Defendants have failed and refused to communicate with counsel and pay significant outstanding legal fees, and why a further Order should not be granted staying all proceedings for 30 days so as to allow Defendants to obtain new counsel, and why such other relief as is just and proper should not be granted.

SUFFICIENT CAUSE BEING ALLEGED THEREFOR, it is

ORDERED, that pending the hearing and determination of this motion, all proceedings in the above-entitled action, including Dkt. 50 – Plaintiff's motion to reopen the case to enforce the settlement agreement – are stayed until further Order of this Court; and it is further

ORDERED, that service of a copy of this Order and the papers upon which it is granted be made by overnight mail on Defendants at (a) 62 Williams Street, New York, NY 10005-1520, (b) 80 Maiden Lane, New York, NY 10005, (c) 32 Broadway, New York, NY 10004, (d) 2844 Bell Boulevard, Bayside, NY 11360, and (e) 25 Cedar Street, New York, NY 10005<sup>1</sup> and by e-mail to tellyliberatos@gmail.com and jerryliberatos@gmail.com<sup>2</sup> on or before September 25, 2017 be deemed good and sufficient service; and it is further

ORDERED, that opposition papers, if any, shall be served on Moses & Singer LLP by facsimile (212-377-6064) or e-mail (jbaranello@mosessinger.com), on or before September 28, 2017; and it is further

ORDERED, that reply papers, if any, be served on or before the 29<sup>th</sup> day of September, 2017.

Dated: New York, New York  
September 19, 2017

ENTER:

James C. Francis IV  
HON. JAMES C. FRANCIS  
UNITED STATES MAGISTRATE JUDGE

PM

<sup>1</sup> The addresses are those known and used by counsel for Defendants.

<sup>2</sup> The e-mail addresses of Liberatos and his brother, Tellis.